

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

No. CR 14-00306 WHA

v.

LUKE D. BRUGNARA,


Defendant.

**MEMORANDUM OPINION RE  
DEFENDANT'S DESIGNATION  
OF HIMSELF AS AN ART AND  
REAL ESTATE EXPERT**

This memorandum opinion repeats and explains what was said on the record in denying defendant's motion to qualify himself as an expert witness in art and real estate (Dkt. No. 562). The motion stated defendant's qualifications as having bought over \$50 million worth of art and possessing over 2,000 books on art. We were two weeks into trial (and almost done with all evidence) and it was too late to designate an expert under Rule 16. Thus, defendant's motion was **DENIED**.

If he testified, however, defendant would have been permitted, as stated, to address issues regarding his intent, including his experience with art and real estate to the extent it actually informed his intent at the time in question. Objections would have been addressed on a question-by-question basis. He would not have been allowed to get into after-the-fact investigation, including after-the-fact information from Sotheby's or anyone else, specifically including the Sotheby's response to Attorney Erik Babcock's email. Defendant, however, exercised his constitutional right not to testify at trial, so this issue became moot.

Dated: May 13, 2015.

  
WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE